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6 Attorneys for Defendants
GENERAL ELECTRIC COMPANY, GE
7 HEALTHCARE INC. and GE HEALTHCARE
BIO-SCIENCES CORP.
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10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

12 PETER JAY GERBER and MIRIAM
GOLDBERG,

13 Plaintiffs,

14 v.

15 BAYER CORPORATION AND
16 BAYER HEALTHCARE
PHARMACEUTICALS, INC.; BMC
17 DIAGNOSTICS, INC.; CALIFORNIA
PACIFIC MEDICAL CENTER;
18 GENERAL ELECTRIC COMPANY;
GE HEALTHCARE, INC.; GE
19 HEALTHCARE BIO-SCIENCES
CORP.; McKESSON
20 CORPORATION; MERRY X-RAY
CHEMICAL CORP.; and DOES 1
21 through 35

22 Defendants.
23

CASE NO. CV-07-5918-JSW

**STIPULATED ORDER OF DISMISSAL OF
DEFENDANT GE HEALTHCARE BIO-
SCIENCES CORP.**

[Jury Trial Demanded]

(San Francisco County Superior Court Case No.
CGC07468577)

24 WHEREAS Plaintiffs Peter Jay Gerber and Miriam Goldberg's ("Plaintiffs") and
25 Defendant GE Healthcare Bio-Sciences Corp. ("the Parties") entered into a Tolling
26 Agreement on December 28, 2007. A copy of the Tolling Agreement is attached hereto as
27 Exhibit "A."

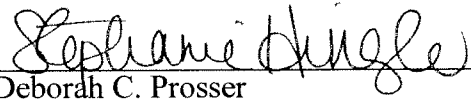
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1 WHEREAS the Tolling Agreement provides, in pertinent part, that Plaintiffs
2 dismiss any and all claims against GE Healthcare Bio-Sciences Corp. without prejudice.

3 Accordingly, it is HEREBY STIPULATED by and between the Parties that
4 Plaintiffs' Complaint in the above-entitled action be dismissed in its entirety without
5 prejudice as to GE Healthcare Bio-Sciences Corp. only.


6 Dated: December 31, 2007

KUTAK ROCK LLP

8 By: 
9 Deborah C. Prosser
10 Stephanie A. Hingle
11 Attorneys for Defendant
GE HEALTHCARE BIO-SCIENCES,
CORP.

12 Dated: December 31, 2007

LEVIN SIMES KAISER & GORNICK

13 By: 
14 Larry J. Gornick
15 Debra DeCarli
16 Attorneys for Plaintiffs
17 PETER JAY GERBER and MIRIAM
GOLDBERG

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20 **IT IS SO ORDERED.**

21 Dated: January 3, 2008

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UNITED STATES DISTRICT COURT

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28 4813-7661-5426.1

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